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September 15, 2023

VIA ECF

The Honorable Leonard P. Stark
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

**Re: *Crystallex International Corporation v. Bolivarian Republic of Venezuela et al.*,
C.A. No. 17-mc-151-LPS**

Dear Judge Stark:

Pursuant to the Court's instruction at the status conference held on September 12, 2023, I write on behalf of Crystallex to provide the Court proposed language necessary to implement Crystallex's preference with respect to priority arrangement procedures as set out in the Special Master and Sale Process Parties' Joint Status Report submitted on August 24, 2023. *See* D.I. 693 at 6.

Crystallex proposes that the Court enter an order with the following language to govern the reissuance of the PDVH share certificate and the service of any subsequent writs of attachment by Additional Judgment Creditors seeking to attach the PDVH shares:

Upon reissuance of the PDVH Share Certificate, whether as a result of an Order of the United States District Court for the District of Delaware, the Delaware Chancery Court or otherwise, PDVH shall immediately deliver the PDVH Share Certificate to the Special Master. Upon delivery, the Special Master shall be deemed to receive and hold the PDVH Share Certificate, on behalf of the U.S. Marshals Service, pursuant to the writ of attachment previously issued and served to satisfy the judgment owed to Crystallex. The Special Master shall continue to hold the PDVH Share Certificate until the completion of the Sale Process or further order of this Court. Service of subsequent writs of attachment authorized by the Court shall be made by the U.S. Marshals, who shall be instructed by the party that obtained the writ to effect service of said writ upon the Special Master in his capacity as custodian of the seized PDVH Share Certificate. In addition to service on the Special Master, certified copies of all attachment process shall be served on PDVH pursuant to 8 *Del C.* § 324(b).



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Crystallex met and conferred via email with counsel for the Special Master and Sale Process Parties regarding this proposal. The Special Master confirmed he “is supportive of the proposed language.” While the Venezuela Parties maintain that this Court “does not have authority to order reissuance of the certificate,” they confirmed that the above proposal, which reflects additional language requested by the Venezuela Parties as part of the meet and confer, is acceptable. ConocoPhillips confirmed that it does not object to the proposed language.

Respectfully submitted,

/s/ Travis S. Hunter

Travis S. Hunter (#5350)

cc: All counsel of record